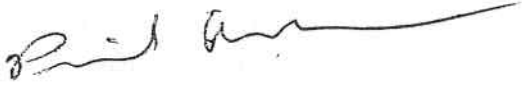


## MEMORANDUM

DATE: June 18, 2012

TO: Councilmembers

FROM: Phil Andrews 

SUBJECT: Proposed Charter Amendment to expand opportunities for the County Government to hire people with disabilities

I propose that the Council vote to place on the November ballot a Charter Amendment that would enable the County to establish a Special Hiring Authority within the County merit system to recruit, select, and hire persons with significant physical or cognitive disabilities that substantially limit one or more major life activities.

The unemployment rate for people with disabilities by any and all measures far exceeds the general unemployment rate. In order to help reduce the high unemployment and underemployment rate for people with disabilities, Montgomery County has taken a number of important steps to expand opportunities and be a model employer. In 2010, the Council approved legislation to provide a hiring preference to veterans and to people with disabilities who are applying for an initial position in County Government and are among the highest rated group of applicants. This measure expanded employment opportunities in County Government primarily for people with significant non-cognitive disabilities. Prior to that, the County established a Customized Employment Public Intern Project in our Health and Human Services Department that provides opportunities for people with significant cognitive and developmental disabilities. However, the internships cannot last for two years (they must be temporary) because of the inflexibility of the current merit system. For the same reason, County Government is unable – unlike the Federal Government under its Schedule A (Special Hiring Authority) system – to hire qualified people with significant disabilities directly into certain positions.

In June 2008, the Office of Legislative Oversight in its comprehensive report titled, "Hiring Persons with Disabilities: A Review of County Government Practices" offered four recommendations. The County has adopted many or all of the components of three of the recommendations. However, the Council has not yet taken up the fourth recommendation, which was that "the Council explicitly discuss and decide whether to pursue a Charter Amendment to enable the County Government to establish a special hiring authority within the merit system for hiring persons with disabilities." On November 24, 2009, the Council voted unanimously to "ask the Charter Review Commission to study whether to amend the County Charter to allow the establishment of a special hiring authority within the County merit system that would permit an alternative approach of the recruitment, selection, and hiring of people with disabilities into merit system positions." On

November 30, 2009, as then-Council President, I sent a memorandum to Nancy Soreng, the then-Chair of the Charter Review Commission to formally make the request. The (2007-2010) Charter Review Commission discussed the issue. On June 4, 2010, Chair Soreng wrote to then-Council President Nancy Floreen "Although sympathetic with the goals of the proposal, a majority of members do not recommend amending the Charter at this time to authorize a special hiring authority under the merit system for persons with disabilities."

In 2011, a new Charter Review Commission was appointed, as required by the Charter. According to the Council staff analyst supporting the work of the Commission, the Commission has been provided with substantial information about the special hiring authority issue, and has received presentations from people with expertise on the employment challenges facing many people with disabilities, and who have expertise about the Federal Government's Schedule A Special Hiring Authority. In response to my question, the Council staff analyst told me that the Charter Review Commission does not plan to make a recommendation to the Council or County Executive regarding this issue before the deadline in August for the Council to place a Charter Amendment on the November ballot.

The Charter Review Commission(s) have had two and a half years to consider the important issue of a Special Hiring Authority to expand County Government employment opportunities for people with significant disabilities. The Council should not wait another two years to make a decision about whether to place the issue on the ballot. The very high unemployment (and underemployment) rate of people with disabilities is both an important and urgent concern.

The County's Advisory Commission on People with Disabilities strongly supports a Charter Amendment to enable the County to establish a Special Hiring Authority to expand employment opportunities in County Government for persons with significant disabilities. Last Friday, I asked County Executive Leggett if he supports a Charter Amendment on this issue this year, and he stated that he strongly supports the Council placing the measure on the ballot this year. Council attorneys and attorneys in the Office of the County Attorney agree that a Charter Amendment is needed for the County to have the authority to establish a Special Hiring Authority to hire people with significant disabilities directly into certain County jobs.

Montgomery County should do everything feasible to be a model employer of persons with disabilities. The County's lack of authority to establish a Special Hiring Authority to recruit, select, and hire persons with disabilities directly into certain County positions is a major barrier to achieving this important goal. Therefore, I propose that the Council place a Charter Amendment on the ballot this November that if approved by the voters would provide the County with the authority to establish through legislation a Special Hiring Authority to expand employment opportunities in County Government for persons with significant disabilities.